

Memorandum

Date: August 9, 2013

To: Associate Directors, Division of Adult Institutions
Wardens
All Concerned

Subject: **SECURITY THREAT GROUP: UPDATE AND INFORMATION SHARING RELATED TO THE ONGOING STG CASE BY CASE REVIEWS IN SHU**

On October 18, 2012, the California Department of Corrections and Rehabilitation (CDCR) received approval from the Office of Administrative Law (OAL) to implement the Security Threat Group (STG) Identification, Prevention, and Management Pilot Program, which is in process to become a long term policy revision to the existing CDCR Prison Gang Management Policy. The Policy has been implemented initially as a "Pilot Program" for a period of 24 months, as provided for within the California Penal Code Section 5058.1.

The STG Pilot Program was implemented subsequent to OAL authorization and distribution of an STG Instructional Memorandum, dated October 11, 2012. The Instructional Memorandum primarily addresses the new policy components affecting inmates newly identified and/or validated as STG Affiliates subsequent to the implementation date. The CDCR also recognized the need for the policy to consider and assess previously identified STG Affiliates who were validated prior to the new policy implementation. Therefore, the CDCR established a method to incorporate a Case by Case (CBC) review process for every STG Affiliate validated through March 1, 2013. Those Affiliates validated after this date would automatically be covered under the provisions of the STG Policy and Procedures.

Due to the magnitude of changes associated with the Pilot Program, the CDCR has chosen to implement the program utilizing a phased approach. Phase One was initiated on October 25, 2012, utilizing the Departmental Review Board (DRB), which began the CBC review process for current validated associates housed in the Security Housing Units (SHU). The DRB has conducted case reviews of 249 validated inmates. From these case reviews, 166 (66%) inmates have been approved and/or classified for release to a general population facility into Step 5 of the Step Down Program (SDP). Of these 166 inmates, 31 inmates were retained in SHU due to safety concerns or their participation in the debriefing program, and 101 inmates have already been processed and released to the general population. Thus far, the DRB has placed 83 inmates (34%) in one of Steps 1-4 of the SDP. Additionally, the Special Project Team has completed 150 reviews of validated inmates housed within Administrative Segregation Units (ASU), who are endorsed for transfer to SHU. These reviews have resulted in a total of 89 inmates being released to general population, 36 inmates have been placed into Steps 1-4 of the SDP and 25 have been retained in ASU based upon other disciplinary charges, safety concerns, or their participation in the debriefing program.

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As a result of continued interactions with notable stakeholders and STG Affiliates during the DRB process, the department realizes that although individuals have received and reviewed the STG Policy and Procedure via the Instructional Memorandum, full understanding and clarity of the CBC process is not fully attained prior to individual participation and interaction with the DRB. Based upon this feedback and stakeholder interactions, recommendations were made that it would be beneficial to share additional clarification and insights pertaining to the CBC review process via an Informational Memorandum.

While newly identified STG Affiliates will be assessed and managed within the guidelines of the revised STG Policy and Procedure, preexisting STG Affiliates will be provided a prioritized CBC review of their current validation and SHU status, integrating the new criteria components into the DRB Hearing process. The CBC review process will be afforded to all existing validated STG Members and Associates, and is an opportunity for potential release to the general population, (Step 5 of the SDP), or further retention in the SHU within one of the four programming steps of the SDP.

One of the key components to the new STG Policy is that validated STG Associates will no longer be automatically placed into a SDP/SHU based only upon their validation as an STG Associate. The new policy incorporates a criteria requirement that in addition to formal validation, an Associate must also demonstrate STG disciplinary behavior as part of their initial validation, or subsequent to their initial validation, to be considered for placement into the SDP/SHU. Because STG Associates will no longer be placed automatically into SDP/SHU based solely upon validation as an Associate, the DRB began the CBC review process in October 2012 with already validated Associates based on their original validation date to align their classification and housing assignment more closely with the new STG policy.

The CDCR has committed to phase in the implementation of the STG Policy while concurrently conducting CBC reviews of Affiliates. Additionally, to ensure continued timely review of inmate validations while the CBC process is ongoing, the CDCR Division of Adult Institutions (DAI) has chosen to continue to honor upcoming dates for inactive reviews [pursuant to CCR Sections 3341.5(c)(C)(5) and 3378(e)] for all validated Members and Associates under the preexisting CCR Title 15 Policy. As a means of more closely aligning the ongoing inactive review process with the STG Policy, the CDCR/DAI is also modifying the review period for the inactive review. Although inmates continue to be scheduled for their six-year inactive review, only conduct that occurred during the preceding four years will be considered and evaluated consistent with the new STG policy. At the conclusion of the evaluation, the inmate will be scheduled for his CBC review with the DRB. Once a validated Affiliate has participated in their CBC review, the Affiliate's future classification and housing in SHU will be controlled via ICC review at the institution level.

Although the CDCR/DAI has committed to focus CBC reviews on STG Associates to date, validated STG Members will now also be included in the CBC reviews. These reviews will be completed in a similar sequential order, based upon the validated Members' original Affiliate validation date.

The CBC review process is organized and managed by the DRB, which is chaired by the Director or Deputy Director, DAI. Other members of the review board include the Special Agent in Charge of the Office of Correctional Safety and the Chief of Classification Services, DAI. Similar to the regulations related to the Institutional Classification Committee, STG Affiliates will receive a notice of the committee at least 72 hours in advance of the scheduled CBC review. Scheduled Affiliates will also be provided a copy of a CDCR Form 128-B STG1, Notice of Conditions of Inactive-Monitored Status for review and signature prior to their appearance at the DRB. This form is similar to the current form used for inactive reviews, but it also incorporates that future consideration for return placement into the SDP/SHU will be based upon disciplinary adjudicated behavior with an STG nexus.

The Chairperson of the DRB provides each inmate with an overview of the new policy, ensures that the inmate has received a copy of the Instructional Memorandum, and encourages the inmate to participate in the review during that DRB hearing. During the DRB Hearing, an overview of the inmate's disciplinary history, original validation, subsequent results of Inactive reviews (if any) and analysis of the confidential information that is contained within the Central File is presented by the caseworker. The DRB reviews include an in-depth analysis of applicable case factors, and approximately 1-2 hours is required to conduct each case review.

Because the prior CDCR Gang/STG Policy did not require formal disciplinary action to occur for an STG Affiliate's placement/retention in SHU, the Chairperson and other committee members personally review and analyze the documents within the Central File for described behavior with an identified nexus to the STG that has occurred within four years of the current review. During the hearing, the DRB will determine if the inmate committed STG behavior within the preceding four years. For the purpose of these reviews, the DRB is utilizing the STG Disciplinary Matrix as noted on pages 21-23 of the Instructional Memorandum to identify applicable behavior and appropriate level of offense as either Administrative or Serious.

Some additional highlights of the DRB review process include:

- The STG/CBC review process for validated Affiliates began on October 25, 2012, and DAI intends to continue this process until all inmates validated prior to March 1, 2013 have received a CBC review. The review process has not been incorporated into the Instructional Memorandum/Pilot Program, as it is a transitional process only for those inmates previously validated and housed within a SHU/ASU setting. Upon completion of all impacted Affiliates, the CBC will be discontinued.

- The DRB utilizes the STG Disciplinary Matrix as described in Section 600.1 of the Instructional Memorandum (Pages 21-23) as a guideline to review an Affiliate's individual behavior that occurred during the past four years. This review might include information from other law enforcement agencies, CDCR Form 837, Crime Incident Reports, CDCR Form 115, Rules Violation Reports, CDCR Form 128-B, General Chronos or CDCR Form 128-A, Custodial Counseling Chronos.
- Documented Confidential Source information, inclusive of Debrief Reports, will be considered by the DRB, pursuant to existing applicable rules for corroboration and/or credibility as established within the CCR, Title 15, Section 3321, Confidential Materials. **Unsubstantiated confidential source information from a single source will not establish a foundation for confirming the existence of STG related behavior.** Identified information/behavior within confidential material will be considered if the behavior occurred within the preceding four years of the scheduled DRB date. At times this information includes a list of names or other personal identification being found in another offender's possession that has some nexus to STG activity or behavior. During the DRB reviews, the offender whose name is simply on the list (versus the individual being in actual possession of the list) will not be held accountable for the contents.
- Any STG behavior that has occurred in the past 4 years and is being considered by the DRB for retaining the inmate within the SHU/SDP is shared with the inmate to allow them an opportunity to provide clarification or to dispute the information.
- If documented STG behavior exists and is determined credible by the DRB, the board will determine the appropriate SDP Step placement in consideration of the point in time the behavior occurred.

1-12 Months prior to the DRB Hearing:	Step 1 of the SDP
13-24 Months prior to the DRB Hearing	Step 2 of the SDP
25-36 Months prior to the DRB Hearing	Step 3 of the SDP
37-48 Months prior to the DRB Hearing	Step 4 of the SDP
49 Months and beyond DRB Hearing Date (General Population)	Step 5 of the SDP
- If during the DRB review of an inmate's case factors, it is determined that the STG Affiliate's housing in SHU no longer meets the STG Pilot Program placement criteria and/or has not demonstrated STG behavior during the preceding four years, the inmate's credit earning status will be changed the date of the hearing from D2D to D1D Credit Earning.
- The DRB's goal has been to focus its reviews on inmates that have been validated as an STG Affiliate the longest. Although DRB has been rotating

CBC reviews evenly within the four male SHU facilities to provide equitable interaction with the DRB, the DRB will be moving toward adjusting its scheduled reviews to focus further at those SHU facilities that house a greater number of the longest-validated Affiliates.

- An STG Affiliate that is recommended for release from the SHU by the DRB will normally be released to a General Population (GP) Level IV 180 design institution for a period of one year (Step 5 of SDP). The inmate is identified as being on Inactive Monitored status. As the Affiliate has not previously participated in the entire SDP, the Affiliate is managed in Step 5 in a similar manner as preexisting policy, and is not required to participate in the mandatory urinalysis program. Affiliates participating in Step 5 of the SDP are eligible for transfer to an alternate institution more consistent with their placement score, following 12 months of STG disciplinary free behavior.
- An STG-I Affiliate released by the DRB to Step 5 on Inactive Monitored status will be allowed to remain in the GP, unless the inmate demonstrates additional STG behavior and is issued a **Rules Violation Report(s)** and found guilty of one Serious Rules Violation Report with an STG nexus; or two Administrative Rules Violation Reports with a STG nexus within a 12 month time frame; or as noted in Section 600.3 of the Instructional Memorandum, if an Affiliate acquires 10 additional source points of STG behavior, as identified in Section 600.1, occurring outside the jurisdiction of the CDCR/DAI within a four year time frame. If the source points are proven reliable pursuant to CCR Section 3321 and the Affiliate is determined accountable for this behavior, the Affiliate will be processed for placement into the SDP.

As a general reminder, for additional information pertaining to the STG Policy and Procedure related to SHU Case by Case Reviews, please reference the Instructional Memorandum, October 11, 2012, entitled Pilot Program for Security Threat Group Identification, Prevention, and Management Plan; DAI Memorandum, November 1, 2012, entitled Security Threat Group Identification, Prevention, and Management Plan; and DAI Memorandum, January 30, 2013, Security Threat Group Identification, Prevention, and Management Pilot Project-Phase II Implementation.



M. D. STAINER
Director (A)
Division of Adult Institutions

cc: Martin Hoshino
Kelly Harrington
George Giurbino
Katherine Tebrock

Suzan Hubbard
Michael Ruff
Simone Renteria